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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SHAWN PADILLA, an individual,

Plaintiff,

VS.

MGM GRAND HOTEL, LLC, a Nevada entity; ANDREW STEVENSON, an individual (Doe 1); KEVIN ADAMS, an individual (Doe 2); DOES III through X, and ROSE I through X,

## Defendants.

Case No.: 2:22-cv-02109-RFB-BNW

**AMENDED JOINT PROPOSED  
DISCOVERY PLAN AND SCHEDULING  
ORDER**

Plaintiff, SHAWN PADILLA (“Plaintiff”), by and through his counsels of record, the law firm MAIER GUTIERREZ & ASSOCIATES, and LAW OFFICE OF RAFFI A. NAHABEDIAN, and defendants MGM Grand Hotel, LLC, Andrew Stevenson, and Kevin Adams (“Defendants”), by and through their counsel of record, the law firms SEMENZA RICKARD LAW AND OFFICE OF THE ATTORNEY GENERAL, hereby submit this proposed joint discovery plan and scheduling order.

<sup>28</sup> On May 7, 2024, Stephen G. Clough, Esq. and Raffi A. Nahabedian, Esq., as counsel for

1 Plaintiff, Lawrence J. Semenza, III, Esq., as counsel for Defendant MGM Grand Hotel, LLC, and  
 2 Michael P. Samps, Esq., as counsel for Defendants Kevin Adams and Andrew Stevenson, discussed  
 3 and agreed that, considering the Gaming Control Board officers were recently added, both have  
 4 pending motions to dismiss,<sup>1</sup> and no discovery has been conducted regarding these officers, it is  
 5 necessary to continue the discovery deadlines for an additional six (7) months.

6 The Parties now propose the following discovery plan:

- 7 1. **Estimated Time for Trial:** Five (5) to seven (7) days.
- 8 2. **Discovery Cut-Off Date:** The proposed cut-off date for discovery shall be  
 9 March 5, 2025.
- 10 3. **Amending the Pleadings and Adding Parties:** Closed.
- 11 4. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):** Disclosures concerning initial  
 12 experts shall be made by January 6, 2025 sixty-two (62) days before the proposed  
 13 discovery cut-off date.<sup>2</sup> Disclosures concerning rebuttal experts shall be made by  
 14 February 5, 2025, thirty (30) days after the initial disclosure of experts.
- 15 5. **Dispositive Motions:** The date for filing dispositive motions shall not be later  
 16 than April 4, 2025, thirty (30) days after the proposed discovery cut-off date. In the  
 17 event that the discovery period is extended from the discovery cut-off date set forth in  
 18 this proposed discovery plan and scheduling order, the date for filing dispositive  
 19 motions shall be extended to be not later than thirty (30) days from the subsequent  
 20 discovery cut-off date.
- 21 6. **Pretrial Order:** The date for filing the joint pretrial order shall not be later  
 22 than May 5, 2025, thirty (30) days after the cut-off for filing dispositive motions. In  
 23 the event that dispositive motions are filed, the date for filing the joint pretrial order

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25 <sup>1</sup> Defendant MGM Grand Hotel, LLC also filed a Motion to Strike Portions of Plaintiff's Second Amended Complaint,  
 26 which is fully briefed and awaiting a decision from the Court.

27 <sup>2</sup> Sixty (60) days before the proposed discovery cut-off date is Saturday, January 4, 2024 therefore the parties agree to  
 28 move the deadline to a weekday, making the new deadline Monday, January 6, 2025.

1 shall be suspended until thirty (30) days after the decision on the dispositive motions  
2 or until further order of the court. In the further event that the discovery period is  
3 extended from the discovery cut-off date set forth in this discovery plan and scheduling  
4 order, the date for filing the joint pretrial order shall be extended in accordance with  
5 the time periods set forth in this paragraph.

6 7. **Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ.  
7 P. 26(a)(3), and any objections hereto shall be included in the joint pretrial order.

8 8. **Alternative Dispute Resolution:** The parties previously discussed the  
9 possibility of mediation and arbitration.

10 9. **Alternative Forms of Case Disposition:** The parties have discussed the  
11 possibility of trial by the magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ.  
12 P. 73 and without conceding any issues with jurisdiction, agree that trial in this case  
13 would be better suited before the U.S. District Court.

14 10. **Electronic Evidence:** The parties do not at this time anticipate any issues  
15 about disclosures or discovery of electronically stored information, if any, including  
16 the form or forms in which it should be produced. The parties shall meet and confer  
17 and otherwise work in good faith with respect to the production of electronically stored  
18 information should any dispute arise.

19 11. **Extensions or Modifications of the Discovery Plan and Scheduling**

20 **Order:** Any stipulation or motion must be made pursuant to LR 26-3 and be supported  
21 by a showing of good cause, no later than twenty-one (21) days before the subject  
22 deadline.

23 **LR 26-3:**

24 (a) To date the following discovery has been completed: (1) Plaintiff served Defendant  
25 MGM with written Interrogatories, Requests for Admissions, and Requests for  
26 Production; (2) Defendant MGM served Plaintiff with written Interrogatories,  
27 Requests for Admissions, and Requests for Production; (3) no discovery has been  
28 prepared or responded to by any of the parties in relation to the new defendants,

Defendant Adams and Defendant Stevenson; 4) Defendant Adams served Plaintiff with Interrogatories, Requests for Admissions, and Requests for Production. It shall be noted that following the services of responses by the aforementioned parties to the respective discovery served, counsel for Plaintiff and counsel for Defendant MGM engaged in a good faith meet and confer effort relating to the written responses provided and, at this time, Plaintiff and Defendant MGM are working on supplemental responses in relation to the meet and confer effort;

(b) The parties need to engage in: (1) written discovery regarding the newly appearing defendants, Defendant Adams (appearing on February 27, 2024) and Defendant Stevenson (who was served on April 19, 2024, after months of trying to serve him, who appeared on May 6, 2024); (2) and the parties have not engaged in the taking of oral depositions given the outstanding matters relating to written discovery and based on the fact that there are outstanding motions pending before the Court; and (3) expert disclosures:

(c) During the Case Conference Meeting of Counsel following the appearances of the newly appearing defendants, Defendant Adams and Defendant Stevenson, counsel for Plaintiff, Counsel for Defendant MGM, and counsel for Defendants Adams and Stevenson determined that an additional six to nine months; and

(d) The dates set forth above reveal the proposed schedule for completing discovery by all parties as agreed during the Case Conference Meeting of Counsel.

12. **Subjects of Discovery.** The parties agree that discovery may be taken on any subject permitted by the Federal Rules of Civil Procedure.

13. **Discovery Phases.** The parties do not believe it is necessary to conduct discovery in phases.

14. **Document Production.** All documents produced in this action will be delivered as either hardcopy documents or Portable Document Format (“PDF”) images unless the requesting party specifically requests that any responsive electronic documents be produced in native format.

1           15. **Written Discovery.** The parties mutually agree to provide Word versions of  
2 any propounded written discovery requests to the responding party so as to facilitate  
3 the process of providing responses.

4           16. **Protective Orders For Confidential Documents And/Or Information.**  
5 Plaintiff and Defendant MGM Grand Hotel, LLC previously filed a Stipulated  
6 Protective Order, which the Court subsequently granted on May 19, 2023. (ECF No.  
7 30.)

8 DATED this 6<sup>th</sup> day of June, 2024.

DATED this 6<sup>th</sup> day of June, 2024.

9 **MAIER GUTIERREZ & ASSOCIATES**

**SEMENZA RICKARD LAW**

10 /s/ Stephen G. Clough

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15 *Attorneys for Defendant MGM Grand Hotel,  
LLC*

16 DATED this 6<sup>th</sup> day of June, 2024.

DATED this 6<sup>th</sup> day of June, 2024

17 **LAW OFFICE OF RAFFI A. NAHABEDIAN**

**OFFICE OF THE ATTORNEY GENERAL**

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Andrew Stevenson*

23 IT IS SO ORDERED.

24  
25   
26 **UNITED STATES MAGISTRATE JUDGE**

27 DATED: 6/10/2024